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Alan C. Rose
OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, Suite 3800
Los Angeles, CA 90067

In re Application of
IGLESIAS, Joseph et al
U.S. Application No.: 09/857,396
PCT No.: PCT/US97/15265
Int. Filing Date: 29 August 1997
Priority Date: 29 August 1996
Attorney Docket No.: 480032-213
For: COMFORTABLE ORTHOPAEDIC
SUPPORT AND METHOD OF MAKING
THE SAME

DECISION
ON PETITION
UNDER 37 CFR 1.137(b)

Applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 31 May 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirement of 37 CFR 1.137(b)(3). The petition fee of \$620.00, additional claim fees of \$252.00, multiple dependent claim fees of \$200.00 and the basic national fee of \$345.00 were provided with the instant petition. These fees are insufficient for the number and type of claims present. Nevertheless, additional claim fees totaling \$90.00, multiple dependent claim fees of \$360.00, and a surcharge fee of \$65.00 have been charged to Deposit Account No. 16-2230 as authorized. A processing fee of \$130.00 for providing an English translation late was erroneously submitted. This fee will be credited back to counsel's Deposit Account. Accordingly, all requirements under 37 CFR 1.137(b) are now satisfied.

The declaration filed with the instant petition complies with 35 U.S.C. 371(c)(4) and 37 CFR 1.495. However, the declaration does not meet the requirements of 37 CFR 1.63 because the mailing addresses and residences of three of the four inventors was not listed. Therefore, a supplemental declaration in compliance with 37 CFR 1.63 will be required.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 29 August 1997, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of 31 May 2001. This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457